



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,478	10/25/2001	Helmut Windl	071308.0416	3740

31625 7590 05/02/2005

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,478

Applicant(s)

WINDL ET AL.

Examiner

Sara M Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the amendment filed on 1/31/05, Claims 1-5 and 11-13 are pending in this application. Examiner notes Cancelled Claims 6-10 and newly presented Claim 13.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 13 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Westerman, US Patent 6404443.

Westerman teaches displaying on a display device a register dialog, the register dialog comprising an initial register displayed in the foreground wherein the data contents of said register are visible to the user (frontmost tab is the currently selected plane Fig. 3, ref. 120), and an additional register displayed in the background whose data contents are not visible to the user (unselected planes only have their titles displayed Fig. 3, ref. 110, 130 and 140), dragging from the initial visible register to the at least one additional register displayed in the background, and automatically, after a given period of time, displaying the data contents of the additional register in the

foreground and displaying the initial register in the background to allow dropping into the at least one additional register which is now displayed in the foreground (Col. 9, lines 39-51).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being as being unpatentable over Li et al., US Patent 5740389

As in Claim 1, Li et al. teaches a computer program method and apparatus to drive a processor with a graphics display device for configuring automation equipment comprising displaying selectable images representative of the modules and permitting selection of displayed module images (ref. 100, Fig. 3 and corresponding text), displaying a register dialog having a concealed register (Col 6-30 are concealed in Fig. 3A and 3B) and a visible register (Ref. 100, Figs. 3A-C), dragging from the visible register of the register dialog (Fig. 3B) that automatically brings the concealed portion of the register dialog to the foreground (Fig 3C, Column 4, lines 16-19) after a variable amount of time to display it's contents (time in order to bring desired Col. Into the display changes depending on when the user finds target position 107) while still displaying the originally visible register (ref. 100 is still shown). While Li et al. teach the

dragging to a concealed register from a visible register and displaying the contents of the concealed register after a variable time interval, they fail to show displaying the originally visible register in the background as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to display the originally visible register in the background. One would have been motivated to make such a combination because a distinction between the active register and the inactive register would have been obtained.

As in Claims 2 and 4, Li et al. further teaches moving a mouse cursor (dragging) over a register of a concealed register dialog once a drop-and-drag action has been initiated automatically moves the register under the mouse cursor to the foreground (Scrolling moves Column by Column. When the mouse cursor is at the bottom of the window in Figure 3b, the concealed register of Col. 6 is automatically brought to the foreground as the list scrolls down Column 4, lines 15-24) so that it is visible (see rejection *supra*).

As in Claim 3, Li et al. teaches the step of dragging moves the concealed register after a predetermined variable time interval (it takes a predetermined amount of time to detect that the dragged icon 103 is hitting the boundary of the target window and finding the target position, variably according to which Col is to be the selected destination).

As in Claim 5, Li et al. teaches the drop procedure to be done during a registered dialog in a single closed handling sequence (Fig. 4a-d and corresponding text).

6. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al., US Patent 5740389, and further in view of Hemenway et al., US Patent 5638505.

Li et al. teaches a computer program method and apparatus to drive a processor with a graphics display device for configuring automation equipment comprising displaying selectable images representative of the modules and permitting selection of displayed module images (ref. 100, Fig. 3 and corresponding text), displaying a register dialog having a concealed portion (Col 6-30 are concealed in Fig. 3A and 3B) and a visible portion (Ref. 101, Col. 1-5, Fig. 3A and 3B), providing a drag procedure to the visible portion of the register dialog (Fig. 3B) that automatically brings the concealed portion of the register dialog to the foreground (Fig 3C, Column 4, lines 16-19) after a variable amount of time to display it's contents (time in order to bring desired Col. Into the display changes depending on when the user finds target position 107). While Li et al. teaches selectable images representing modules with a register dialog capable of receiving the modules thereby automatically bringing concealed portions of the dialog to the foreground, they fail to show the marking all possible drop locations as recited in the claims. In the same field of the invention, Hemenway et al. teaches an automation interface similar to that of Li et al. In addition, Hemenway et al. further teaches selection of a displayed module image (object icons) marking all possible drop locations (Visual feedback: "Drop allowed") thereby indicating possible drop locations for the user (Column 10, line 54 – Column 11, line 4). It would have been obvious to one of ordinary skill in the art, having the teachings of Li et al. and Hemenway et al. before him at the time the invention was made, to modify the selectable images representing modules

Art Unit: 2179

with a register dialog capable of receiving the modules thereby automatically bringing concealed portions of the dialog to the foreground taught by Li et al. to include the of Hemenway et al., in order to obtain markup interface for drop locations within a concealed dialog. One would have been motivated to make such a combination because a user-assisted method for indicating hidden locations that are capable of receiving selected modules would have been obtained, as taught by Hemenway et al.

Response to Arguments

7. Applicant's arguments filed 1/3/05, with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

The newly applied reference Westerman (see rejection of Claim 13 *supra*) was added solely to reject the newly added limitations presented in the amended and new claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "tabs") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 13 delves into subject matter that is more directed towards a tabbed interface, however Westerman clearly discloses the limitations of Claim 13. As amended, Claims 1-5 are still disclosed by Li et al. as seen *supra*.

In response to the argument that Hemenway et al. do not teach the display of or designation of the possible acceptable drop locations, the examiner disagrees. Claims 11 and 12 do not recite that the designation is made in response to the selection, just that it is made afterwards. Hemenway et al. shows a designation of all possible acceptable drop locations when the cursor is displayed over them, which is done after the selection of a displayed module image. Therefore Hemenway et al. do disclose the subject matter as presented in the claims.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar automation equipment interfaces, drag-drop procedures and "bring to front" methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

BA HUYNH
PRIMARY EXAMINER